

## **17. IOWA SENATE HARASSMENT PREVENTION POLICY**

The Senate is committed to providing a workplace free from harassment. Discrimination, harassment, and/or retaliation, as outlined in this policy, will not be tolerated.

The Senate strictly prohibits harassment on the basis of race, color, national origin, religion, sex (including pregnancy), physical or mental disability, genetic information, age, marital status, military or veteran status, gender identity, sexual orientation, or any other characteristic protected by applicable laws. (Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1978, as amended; the Americans with Disabilities Act of 1990, and the Iowa Civil Rights Act of 1965 (Iowa Code Chapter 216, as amended)).

This policy applies to all employees (to include Senators, staff, pages), volunteers, credentialed members of the media, vendors, registered lobbyists and interns, all of whom are covered by and expected to comply with this policy, and to take appropriate measures to help ensure prohibited conduct does not occur.

All complaints will be investigated in a timely and impartial manner, and confidentiality will be maintained to the greatest extent possible.

Senators, lobbyists and clients of lobbyists engaging in harassment or retaliation will be subject to the imposition of penalties by the Senate Ethics Committee.

When conducting business with the Senate, lobbyists, employees from other government offices, vendors and other individuals are expected to conduct themselves in a manner that complies with this policy. Complaints concerning harassment or retaliation shall be filed and resolved as set forth in this policy.

Employee conduct that constitutes harassment against other employees, lobbyists, news media or designated non-employees (i.e., vendors, visitors, volunteers) will be investigated and may result in disciplinary action, up to and including termination. Third parties or volunteers may be prohibited from engaging in activities in or on behalf of the Senate, or representing the Senate.

The Director of Human Resources will refer complainants to external investigators when the Senate harassment prevention remedies as set out in this policy have been exhausted and the complainant requests additional investigation by an external investigator, or the complainant requests the referral of the complaint to an external investigator before or during the investigation.

No individual shall be subject to retaliation for reporting harassment or participating in a harassment investigation. In all cases, reasonable measures will be taken to protect a reporting or participating party from any retaliatory behavior.

### **Harassment**

The Senate prohibits workplace harassment or retaliation on the basis of race, color, national origin, religion, sex (including pregnancy), physical or mental disability, genetic information, age, marital status, military or veteran status, gender identity, sexual orientation, or any other characteristic protected by applicable laws. (Including, but not necessarily limited to, Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1978, as amended; the Americans with Disabilities Act of 1990, and the Iowa Civil Rights Act of 1965 (Iowa Code Chapter 216, as amended)).

Examples of prohibited harassment include, but are not limited to:

1. Verbal conduct, such as threats, demands, epithets, derogatory comments, slurs or suggestions that an employee's work status is contingent upon submission to harassment.
2. Visual conduct to include the delivery of derogatory posters, photographs, cartoons, drawings, or gestures transmitted in any format, including social media.

3. Subjecting an employee to demeaning or degrading activities in order to gain co-worker acceptance (e.g. hazing).
4. Written communications containing statements that may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricature.
5. Physical conduct, such as assault, unwanted touching, or blocking normal movement.
6. Retaliation for making harassment reports, threatening to report harassment, or participating in a harassment/workplace environment investigation.

## **Sexual Harassment**

It is the policy of the Senate to provide an environment free of sexual harassment. Sexual harassment in any form is an abuse of individual dignity that damages employee morale, threatens work relationships, subverts the public interest, and is illegal under federal and state law.

Sexual harassment is prohibited under federal law by Title VII of the Civil Rights Act of 1964, as amended and Iowa Code Section 19B.12 that defines sexual harassment as “persistent, repetitive, or highly egregious conduct directed at a specific individual or group of individuals that a reasonable person would interpret as intentional harassment of a sexual nature, taking into consideration the full context in which the conduct occurs, which conduct threatens to impair the ability of a person to perform the duties of employment, or otherwise function normally within an institution responsible for the person’s care, rehabilitation, education, or training.”

There are two types of sexual harassment:

1. “Quid Pro Quo” -- or “this for that” -- is a type of harassment that occurs when unwelcome sexual conduct is directed at an individual, and that individual’s submission to or rejection of such conduct is used as the basis for employment (or other applicable) decisions affecting that individual.
2. “Hostile environment”-- This occurs when an employee has experienced sufficiently severe or pervasive offensive behavior that alters the conditions of the person’s employment and creates an objectively and subjectively hostile or abusive working environment. The determination of whether a hostile environment has been created will be based on the totality of circumstances, including but not limited to:
  - a. The frequency of the conduct;
  - b. The nature and severity of the conduct;
  - c. The identity and relationships of the persons involved;
  - d. The location of the conduct and the context in which it occurred;
  - e. Whether the conduct was physically threatening and/or humiliating;
  - f. The effect of the conduct on the target’s physical, mental, or emotional well-being;
  - g. Whether the conduct was directed at more than one person;
  - h. Whether the conduct arose in the context of other discriminatory conduct; and
  - i. Whether the conduct unreasonably interfered with the alleged victim’s work or other performance.

The more severe the conduct, the less need there is to show a pattern of multiple inappropriate acts to find the existence of a hostile environment. A single act of sexual assault is sufficient to create a hostile environment. Likewise, a pattern of multiple inappropriate acts may be sufficient to create a hostile work environment, even where none of the alleged incidents is particularly severe.

For the purpose of these definitions, prohibited sexual misconduct is defined as, unwelcome conduct of a sexual nature including, but not limited to, these examples:

- Sexual pranks, or repeated teasing, jokes, or innuendo;
- Verbal abuse;
- Repeatedly making sexually suggestive gestures;
- Unwelcome touching or grabbing any part of an individual's body;
- Repeatedly standing too close to or intentionally brushing up against a person;
- Giving sexually suggestive gifts or displaying in the workplace sexually suggestive objects;
- Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated that he or she is not interested;
- Making, sharing, or posting sexually demeaning or offensive photographs, pictures, cartoons, videos, or other material in the workplace;
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

These are examples of inappropriate conduct, and may constitute a violation of this policy, as well as state and federal law.

Sexual harassment can occur in a variety of circumstances, if the harasser's conduct is unwelcome by the target, including:

- The target as well as the harasser may be a woman or a man. The target does not have to be of the opposite sex.
- The harasser can be the target's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The target does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the target.

## **Complaint Procedures**

The Senate will handle all complaints in a professional, impartial, and timely manner, and will take appropriate corrective action. Information gathered during the complaint process will be treated confidentially to the greatest extent possible. Reporting a complaint shall not be used against a person or have an adverse effect on employment or other status with the Senate.

In addition to this complaint process, persons believing they are targets of harassment may file a complaint with the Iowa Civil Rights Commission or other applicable federal, state, or local agency with jurisdiction over the Senate.

This is a general outline of the complaint and investigation procedure:

1. If someone believes they have been subjected to or witnessed harassment, discrimination, or retaliation, they should immediately notify the Director of Human Resources or their immediate supervisor and/or a member of their party's leadership. Individuals who wish to file complaints involving their direct supervisor should do so to the Director of Human Resources, the Secretary of the Senate, or their respective member of leadership.
2. The Senate will take no formal action against any person under this policy unless Human Resources or a supervisor has received a written and signed complaint containing sufficient details to determine if the complaint states a potential violation of this policy. An individual desiring to file a complaint under this policy ("Complainant") may obtain the form from Human Resources or their supervisor. The form shall also be available on the General Assembly Intranet home page. If a supervisor becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of a verbal complaint, the supervisor will immediately report it to the Director of Human Resources. Failure by a supervisor to report a harassment complaint to Human Resources

and leadership will be considered a violation of this policy.

3. The Director of Human Resources upon receiving the written complaint, will notify as soon as practicable the person(s) named in the complaint (“Respondent(s)”) of the claim and will initiate an investigation to determine whether there is a reasonable basis for believing that a violation of this policy occurred.
4. The Director of Human Resources shall be the designated investigator in all cases except when the Director of Human Resources or the Secretary of the Senate appoints an alternate investigator, including an outside investigator, when necessary to conduct the investigation. The Investigator will interview the complainant, respondent, and any witnesses; gather and review any other available evidence; and make any necessary determinations as to whether there is credible evidence to support that the alleged conduct occurred.
5. The investigator shall make reasonable effort to complete the investigation within 15 business days. The investigator shall submit a written report to either the individual’s supervisor or appropriate leadership, as the investigator deems appropriate. The written report will contain at least the following: a summary of the complaint; a list of witnesses and other evidence reviewed by the investigators and summary of information gathered; a statement of any undisputed facts; findings on any disputed material facts; and a determination by the investigator of whether a preponderance of the available evidence supports finding that a violation of this policy occurred.
6. If the investigator determines that it is more likely than not that a violation of this policy occurred, the report shall include proposed remedial actions based on:
  - a. The severity, frequency, and pervasiveness of the conduct;
  - b. Prior complaints made against the respondent;
  - c. The quality of the evidence considered by the investigator (e.g., first-hand knowledge, credible corroboration).

If the investigation is inconclusive or the investigator determined there is no violation of this policy, but problematic conduct, may have occurred, the report may recommend appropriate potential preventive or remedial action.

7. The investigator will meet individually within three business days after the conclusion of the investigation with the complainant and the respondent to notify them of the findings of the investigation and any recommended actions.
8. The complainant or the respondent may submit to the Investigator a statement challenging the factual basis of the findings. Individuals shall submit their statement no later than three business days after the individual met with the investigator to discuss the results of the investigation.
9. Within 15 business days of the end of the investigation, the investigator will meet with the appropriate Senate leadership members to review the investigation report and any statements submitted by the complainant or respondent. The Investigator will report the Senate’s decision to the complainant, the respondent and their supervisors. The Senate’s decision shall be in writing. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be fulfilled.
10. The Director of Human Resources will direct complaints against Senators, lobbyists, clients of lobbyists or, members of the media to the Secretary of the Senate, and the Chair and Ranking Member of the Senate Ethics Committee. The Senate Ethics Committee will follow the process outlined in Iowa Code section 68B.31 and/or the Senate Code of Ethics for handling complaints and take appropriate action as necessary.

## **Cooperation**

All Senators, employees and interns are expected to cooperate with investigations by providing truthful, complete and accurate information to the fullest extent possible.

## **Confidentiality**

Complaints and resulting investigations of harassment or retaliation shall be handled confidentially, to the greatest extent possible. Requests by individuals for confidentiality will be considered in the context of the Senate's legal obligation to act on the complaint, the right of the respondent to obtain information, and any other legal or procedural requirements.

## **Retaliation**

The Senate will not tolerate retaliation against any individual who participates in a process outlined in this policy. Any person who believes they have been retaliated against may file a complaint with the Director of Human Resources, their supervisor, their respective member of leadership, the Senate Ethics Committee, or local, state, federal agencies or the courts.

## **Other Remedies**

In addition to the Iowa Senate harassment remedies, harassment complaints may be filed with the Iowa Civil Rights Commission or the U.S. Equal Employment Opportunity Commission.

Any individual who believes that they have been subject to a crime may report to the applicable law enforcement agency. An individual's decision about whether to report an incident to law enforcement does not affect their ability to file a complaint under this Policy.

## **Training**

The Secretary of the Senate, in consultation with the President of the Senate, shall arrange for a mandatory training workshop for all Senators, employees and interns each year before or shortly after the Senate convenes. Participants shall be required to acknowledge in writing their attendance and receipt of the harassment policy, procedures for complaints and prohibition against retaliation.

The Secretary of the Senate, in consultation with the President of the Senate, shall arrange for mandatory leadership/supervisory training, including training on preventing and investigating harassment, prior to the start of each General Assembly. New or promoted leadership/supervisors will attend in the year they are hired/promoted. Participants shall be required to acknowledge in writing their attendance.

## **Review**

The policies and procedures set out herein shall be reviewed on an annual basis by Senate leadership, the Director of Human Resources and the Secretary of the Senate.

## **Attachments**

- Senate Ethics Committee Complaint Form
- Senate Harassment Complaint Form

23. COMPLAINT FILING FORM. The following form shall be used to file a complaint under these rules:

THE SENATE

Ethics Complaint Form

RE: \_\_\_\_\_ (Senator/Lobbyist/Client of Lobbyist), of \_\_\_\_\_, Iowa.

I, \_\_\_\_\_ (Complainant), residing at \_\_\_\_\_ in the  
City of \_\_\_\_\_, State of \_\_\_\_\_, hereby complain  
that \_\_\_\_\_ (Senator/Lobbyist/Client of Lobbyist) whose address  
is \_\_\_\_\_ has violated the Senate Code of Ethics or Joint Rules  
Governing Lobbyists in that: (Explain the basis for the complaint here. Use additional pages if necessary.)

Under penalty of perjury, I certify that the above complaint is true and correct as I verily believe.

\_\_\_\_\_  
Signature of Complainant

SUBSCRIBED AND AFFIRMED to me before this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

## **HARASSMENT COMPLAINT FORM**

**Name/Title of Complainant** \_\_\_\_\_ **Office** \_\_\_\_\_

**Name/Title of Respondent** \_\_\_\_\_ **Date Submitted** \_\_\_\_\_

**Describe the incident you experienced or witnessed and indicate the date/time/location/name of witness(es)**

**Describe any repeat(s) of the incident, your experience or observation with date/time/location/names of witness(es)**

### **Describe any additional pertinent facts**

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**Describe any relevant evidence (e.g., photos, videos, electronic or other correspondence, police reports):**

**I understand these incidents will be investigated; this information provided will be kept confidential to the greatest extent possible**

**Claimant Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Received by** \_\_\_\_\_ **Date** \_\_\_\_\_